

## **REMARKS**

### **Summary of Substance of Interview**

An interview was conducted at the USPTO on March 1, 2007, with the Examiner and the Supervisory Patent Examiner, to discuss the Examiner's interpretation of the references with respect to the independent claims. During the interview, the Examiners presented a new reference, U.S. Pat. No. 3,356,179 to Tompkins, showing holes in a speaker mounting plate. The Examiners indicated that these holes could be broadly construed as a cutout portion around the speaker opening, as set forth in the claim. The Examiners suggested that the rejection might be overcome by further describing the characteristics of the cutout portion. No claim amendments were proposed at that time and no agreement was reached on the claims.

A subsequent telephonic interview was conducted with the Examiner on March 14, 2007. During the interview, Applicant's representative proposed amendments to independent claim 1 were discussed. The Examiner indicated that the proposed amendment to claim 1, as presented in this Amendment, would likely overcome the rejection over the presently cited references and the Tompkins reference presented during the March 1 interview. Applicant's representative also proposed two new independent claims related to two additional exemplary embodiments disclosed in the specification and drawings. The Examiner indicated that the proposed new claims were acceptable and would likely be patentable over the references.

### **Claim Rejections**

Applicants have amended claims 1, 4, 9 and 11 in accordance with the claim amendments discussed during the March 14 interview noted above. Applicants have also canceled claims 3,

5-8 without prejudice or disclaimer. Finally, Applicants have added new claims 12-17. Support for new claims 12-17 can be found throughout the specification and drawings, at least, for example, at Figs. 5-7. Applicants respectfully submit that no new matter has been added.

**Claims 1, 3, 5-8 and 10**

Claims 1, 3, 5-8 and 10 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. No. 4,367,377 to Yamaguchi ("Yamaguchi"). Claims 3 and 5-8 have been canceled without prejudice or disclaimer. Applicants traverse the rejection of claims 1 and 10.

The Examiner alleges that Yamaguchi teaches an attaching plate 24 for attaching a speaker 20 configured to output sound (Figs. 2 and 3; column 4, lines 25-32). Applicants respectfully disagree with the Examiner's interpretation of Yamaguchi. Yamaguchi is directed to a loudspeaker having a diaphragm supported by an annular suspension member (Abstract). As illustrated in Fig. 1, Yamaguchi's invention is not an attaching plate for attaching a speaker, as recited by Applicants' claims, but rather the loudspeaker itself. Thus, Yamaguchi does not even address an attaching plate for attaching a speaker as recited in claim 1.

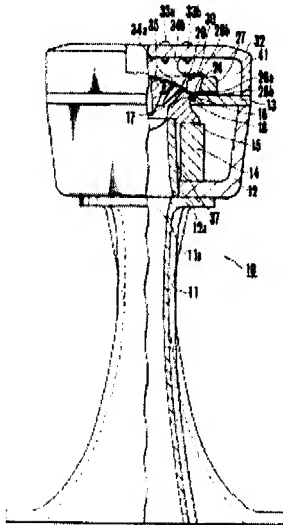


Fig. 1

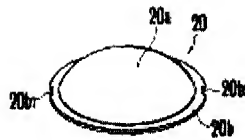


Fig. 2

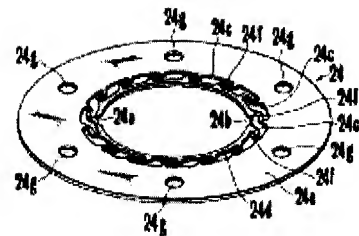


Fig. 3

Yamaguchi's elements 24 and 20, mistakenly identified by the Examiner as an attaching plate and a speaker, respectively, are actually a suspension plate member 24 as illustrated in Fig. 3, and a diaphragm 20 as illustrated in Fig. 2 (column 3, lines 1-16) which are elements of the loudspeaker 10 (Fig.1). The suspension member 24 generally takes the form of an annulus, and the inner end of the suspension member 24 is overlapped and bonded to the flange 20b of the diaphragm 20 by a suitable binder to form an integrated unit (column 3, lines 7-12). The suspension member 24 and diaphragm 20 are combined with other elements, for example, a moving coil 18, a pole piece 15 and a yoke plate 13, etc., to result in a loudspeaker 10. Thus, Yamaguchi discloses a suspension member 24 and a diaphragm 20 which are elements of a loudspeaker 10, not an attaching plate and a speaker as alleged by the Examiner.

Since even broadly construed, Yamaguchi does not disclose or suggest at least an attaching plate for attaching a speaker, claim 1 is not anticipated by Yamaguchi and is therefore

patentable. Claim 10, which depends from claim 1, is patentable at least by virtue of its dependence.

**Claims 2, 4, 9 and 11**

Claims 2 and 11 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamaguchi in view of Japanese patent number JP 08289381 to Morimoto ("Morimoto"), and claims 4 and 9 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamaguchi in view of U.S. Pat. No. 6,116,373 to Dodd ("Dodd"). Applicants traverse these rejections.

Since, as established above, Yamaguchi does not address an attaching plate for attaching a speaker as recited in claim 1, Yamaguchi in combination with Morimoto or Dodd does not disclose or suggest the attaching plate recited in claims 2, 4, 9 and 11 which depend from claim 1. Thus, claims 2, 4, 9 and 11 are patentable over Yamaguchi in combination with Morimoto or Dodd.

**New Claims**

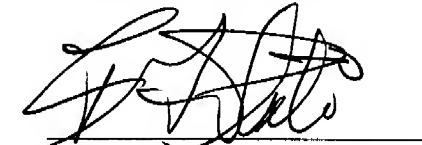
Applicants have added new claims 12-17. Claims 12 and 15 contain features similar to the features recited in claim 1 and are therefore patentable for similar reasons. Claims 13, 14, 16 and 17, which depend from one of claims 12 and 15, are patentable at least by virtue of their dependence.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
\_\_\_\_\_  
Francis G. Plati, Sr.  
Registration No. 59,153

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: March 16, 2007